

REMARKS

Status of the Claims.

Claims 9, 10, 12, 13, 14, 40, 41, and 43-45 are pending with entry of this amendment, claims 1-8, 9, 11, 15-39, 42, and 46-73 being cancelled and no claims being added herein. Claim 40 is amended herein. This amendment introduces no new matter, but merely corrects claim dependencies reflecting the claim cancellations.

Drawings.

The Examiner indicated that the drawings filed on July 3, 2003 (Paper No. 25) are considered informal. The objections to the drawings are corrected by entry of the accompanying replacement formal drawing of Figures 1A, 1B, 2, 4, 6A, 6B, 6C, 6D, 6E, 6F, 8C, and 9 thereby obviating this objection.

35 U.S.C. §112, Second Paragraph.

The rejection of claims 1-3 and 40-45 under 35 U.S.C. §112, second paragraph, as allegedly indefinite, was maintained. Claims 1-3 are canceled with entry of this amendment thereby obviating this rejection with respect to these claims.

Claims 40-45 are amended to ultimately depend on claims 9, 10, 12, 13, and 14 which the Examiner has allowed. Accordingly, the rejection of claims 40-45 should be withdrawn.

Claims 21, and 40-45 were rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite in the recitation of "a bleomycin" and "a bleomycin analogue". Claim 21 is canceled with entry of this amendment thereby obviating this rejection.

Claims 40-45 are amended to ultimately depend on claims 9, 10, 12, 13, and 14 which the Examiner has allowed. Applicants note that the pending claims do not recite either "a bleomycin" or "a bleomycin analogue". In view of this the rejection of claims 40-45 should be withdrawn.

Claims 71 and 73 were rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite the recitation of "bleomycin gene cluster". These claims are canceled with entry of this amendment thereby obviating this rejection.

35 U.S.C. §112, First Paragraph, Written Description.

The rejection of claims 1-3, 21, 40-45, and 71-73 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to meet the written description requirement.

Claims 1-3, 21, and 71-73 are canceled with entry of this amendment thereby obviating this rejection.

Claims 40-45 are amended to ultimately depend on claims 9, 10, 12, 13, and 14 which the Examiner has allowed. Accordingly, the rejection of claims 40-45 should be withdrawn.

35 U.S.C. §102.

The rejection of claims 1, 40, 41, and 43-45 under 35 U.S.C. §102(b) as allegedly anticipated by Redenbach *et al.* was maintained.

Claims 1 is canceled with entry of this amendment thereby obviating this rejection.

Claims 40-45 are amended to ultimately depend on claims 9, 10, 12, 13, and 14 which the Examiner has allowed. Accordingly, the rejection of claims 40-45 should be withdrawn.

Allowable subject mater.

Applicants note with appreciation that the Examiner has allowed claims 9, 10, and 12-14. Claims 40-45 are amended to ultimately depend on claims 9, 10, 12, 13, and 14 and should therefore be allowable as well.

The remaining claims have been canceled. Accordingly, Applicants believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. Should the Examiner seek to maintain the rejections, Applicants request a telephone interview with the Examiner and the Examiner's supervisor.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 769-3513.

QUINE INTELLECTUAL PROPERTY LAW
GROUP, P.C.
P.O. BOX 458
Alameda, CA 94501
Tel: 510 337-7871
Fax: 510 337-7877

Respectfully submitted,



Tom Hunter
Reg. No: 38,498

App. No: 09/477,962
Page 7

c:\toms work\prosecution - current\407t uc ott\407t-895820us blm\407t-895820.am3.doc